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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,142	08/29/2003	Chandrasekhar Narayanaswami	YOR920030221US1 (590.108)	1172
35195	7590	01/03/2005	EXAMINER PHAM, LAM P	
FERENCE & ASSOCIATES 400 BROAD STREET PITTSBURGH, PA 15143			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/652,142

Applicant(s)

NARAYANASWAMI ET AL.

Examiner

Lam P Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 9 and their dependent claims 4-6 and 10-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 3 and 9 recites the limitation "the authorized user" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 7-8 rejected under 35 U.S.C. 102(b) as being anticipated by **Park** (US 6418536).

**Regards claim 1**, Park disclose a method for managing energy consumption of a device, comprising the steps of:

ascertaining the proximity of an user to the device (proximity sensor 20); and

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adjusting the energy consumption of the device, whereby the energy consumption is adjusted based upon the proximity of the user to the device; turning off the back-light unit of the LCD panel if no user is in range of the sensor; see Figures 1-4; col. 3, lines 1-67; col. 4, lines 1-67.

**Regards claim 2**, Park discloses the energy is provided to the device (portable computer) by batteries (rechargeable batteries) as known in the art; see Abstract.

**Regards claim 7**, Park discloses a system for managing energy consumption of a device, comprising:

an arrangement for ascertaining the proximity of an user to the device, (proximity sensor 20); and

an arrangement for adjusting the energy consumption of the device, whereby the energy consumption is adjusted based upon the proximity of the user to the device; see Figures 1-4; col. 3, lines 1-67 and col. 4, lines 1-67.

**Regards claim 8**, Park discloses the energy is provided to the device (portable computer) by batteries (rechargeable batteries) as known in the art; see Abstract.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 13 rejected under 35 U.S.C. 102(e) as being anticipated by Tsirkel et al.

(US 6665805)

**Regards claim 13,** Tsirkel et al. disclose a program storage device (memory 106) readable by machine, tangibly embodying a program of instructions executable by the machine to perform the method steps for managing energy consumption of a device, comprising the steps of:

ascertaining the proximity of an user to the device (camera 130); and

adjusting the energy consumption of the device, whereby the energy consumption is adjusted based upon the proximity of the user to the device; see figures 1-2; col. 1, lines 63-67; col. 2, lines 1-67.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-6, 9-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Nguyen (US 6771168).

**Regards claim 3,** Park fails to disclose an RFID tag is used in connection with ascertaining the proximity of the user to the device.

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Nguyen in "automotive system to prevent car jacking" teaches of using an RFID tag in connection with ascertaining the proximity of a user to a device (car); the RFID tag kept by an authorized user and an interrogating system on the car that periodically reads the RFID tag in order to confirm that the authorized user has permission to operate the vehicle. In the event that the user has been out of the car out of range (30ft), the RFID tag will no longer in proximity to the interrogating system and the control system will then shut down the operation of vehicle engine as seen in Figure 1; col. 2, lines 19-67 and col. 3, lines 1-10.

In view of Nguyen teaching, it would have been obvious to one of ordinary skilled in the art to make use of an RFID tag for ascertaining the proximity of an authorized user to the device whether the device is a computer, a cellular phone or a car system.

**Regards claim 4,** Park and Nguyen both fail to disclose the RFID tag is an active tag. However, it has been known in the art of RFID tag to use a passive tag not having a battery or an active tag having a battery for powering the tag itself. The passive tag obtains power from the interrogator and is smaller in size, while the active tag obtains power from the battery and has better control of the transmission range. Thus, it would have been obvious to one of ordinary skilled in the art to alternatively use an active RFID tag having controlled transmission range for ascertaining the proximity of an authorized user to the device.

**Regards claim 5,** Park and Nguyen' s combined teaching of would make it obvious that the energy consumption of the device is decreased when the user is not

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proximate to the device whether using sensor (20) or an RFID tag for ascertaining the proximity of the user to the device as seen in the Abstract of Park.

**Regards claim 6**, Park and Nguyen fail to expressly disclose the proximity of the user to the device at which the energy consumption of the device is adjusted maybe varied. Since the proximity detection using an RFID tag having a predetermined range of communication, it would have been obvious to one of ordinary skilled in the art to realize that the interrogator or reader can be configured to operate in different ranges as well known in the art of RFID tag so that a user can set the operating distance as desired for managing energy consumption of the device.

Regards claim 9, referring to claim 3 for explanation.

Regards claim 10, referring to claim 4 for explanation.

Regards claim 11, referring to claim 5 for explanation.

Regards claim 12, referring to claim 6 for explanation.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nielsen et al. US 6734845) disclose an eye-track-driven illumination and information display. (\*)

Magee et al. (US 2003/0051181 A1) disclose a proximity based apparatus for reducing electrical energy consumed by a personal computer with sleep mode.

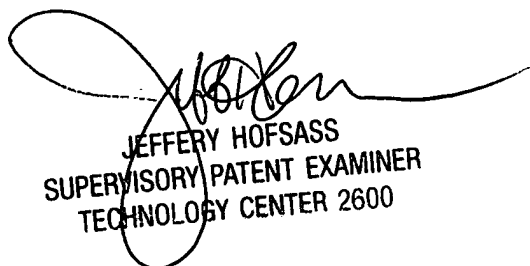
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham  
December 21, 2004

  
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